

G. R. S. IX-5]

Previous references.

File No. 134-18,

1918-19
(P.P)

Serial Nos. 4786

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 47868

Part B for December 18

SUBJECT.

Requests to amend sub-rule 6 in 3b
of Defence of India Regulation I of 1918.
as it would conflict the instructions con-
tained in Notn No. G 9336 P.P/134-18-20 D
23-11-18

(68) To, The D. C. Trunkur
The D. Cs of dls
The Rev. Commr
The Food Controller

No. G 10763 & 10764-72 D 6-12-18

States that the procedure stated above
cannot be followed as it would evoke a
siderable public interest and have to be con-
ducted with care.

In Kanjappa Rao
14/12/18

1918-49

GENERAL AND REVENUE SECRETARIAT.

(PP)

NOTES.

File No. 134-18

FILE HEADING.

Arrangements in Connection with the
Supply of food-grains in the State

From

The Deputy Commissioner, Tumkur District

No. JC 183

Dated 30. 11. 1918

Received 2. 12. 1918

Diary No. 8772

Enclos. — Spare Copies. —

Serial No. 67

BRIEF ABSTRACT OF LETTER.

Requests that Sub-rule 6 in 3 b of the Defence
of India Regulation I of 1918 may be amended
so that it may not conflict with the
instructions contained in note no 935

dated 5. 11. 1918 on the subject of PP 134-18-25
declaration of NOTES AND ORDERS. of food-grains and in default there for.

Notes and orders.

- 1) Submitted with the necessary references
Points for orders are (1) the amendment
of sub-rule 6 in 3 (b) of the Defence of India
Regulation I of 1918. (2) Investing the

Serial
No.

The Asst Commissioner in charge of Sub-divisions and Personal Asst with Summary powers for a period of six months.

As regards point (2), order will have to be passed ⁱⁿ the Legislative Section.

gaa
2/12/18

2) The punishment prescribed in sub-rule (6) of Rule 3B - refers to offences where any commodity is sold at a price in excess of the maximum rate fixed - whereas Rule 6 of the Defence of India Rules prescribes the punishment in general for contravention of the Defence of India Rules - & ~~the~~ the punishment for default of declaration ^{in question} has been fixed according to Rule 6 refd to above.

leg
2/12/18

Chun / (Sey)

U. F. 2/12/18

3) I do not think that the proposal of the D.C. Tankan need be adopted.

Cases connected with false declaration

3)

Serial
No.

of stock are likely to be very simple & the evidence not very elaborate.

The chief advantage of a summary trial is that a full written record of evidence, a formal charge & a full judgment are not required but otherwise the procedure is the same as for a regular trial.

Having regard to the simplicity of the cases likely to arise even a regular trial will not take much time.

If however the D.C.'s suggestion should be accepted a new rule prescribing 6 months ~~for~~ ⁱⁿ ~~the~~ ^{for} offences against Rule 3B (2) will have to be issued.

71
5-12-18

2nd member

CSJ
3/12/18

4) No summary procedure need be provided for such cases

These provisions will enable the public attorney to have the same procedure as

Replying to D.C. 4.12

D.O.

CSJ
5/12/18

Serial
No.

6) Draft D.O. Subd

he

6/12/18

68

To

The Dy Commr of Dist
- Revenue Commissioner
Food Controller.

3 to 763 and 107

With ref to Serial 47, State.
That Govt consider that it is not
desirable to adopt such a procedure
in the trial of such cases and
those provisions are likely to
create considerable public interest
and have to be considered with care.

B

Office of the Deputy Commissioner,

Tumkur District,

Dated Tumkur, 30th November 1918.

From

A. Subramanya Iyer, Esqr., B.A.,

1626

Deputy Commissioner, Tumkur District,

T U M K U R.

To

C.S. Balasundaram Iyer, Esqr., B.A.,

Chief Secretary to Government of

His Highness the Maharaja of Mysore,

B A N G A L O R E.

S i r,

E

With reference to the Government Orders about the declaration of stocks of food grains by people, I have the honour to state that defaulters are made liable to rigorous imprisonment for a period of three years or fine or both. The case becomes a warrant case with elaborate procedure and cannot be disposed of summarily; while the instructions of the Revenue Commissioner are that cases 'should be promptly investigated and severely dealt with prosecution being ordered irrespective of persons' and the instructions of the Second Member of Council are that "Any concealment of stocks should be promptly prosecuted"

2. In Sub Rule ^X 6 in 3 b, you will see that punishment for violating any condition of rule is six months' imprisonment or fine. This must have been ordered with a view to the case being disposed of summarily.

3. In the case of default in declaration also, summary disposal is necessary. I request, the rule, might, if possible be amended.

4. When in 1898, plague appeared for the first time and rules for preventing its spread were promulgated one First Class Magistrate in each District was temporarily invested with summary powers. Now also I would suggest that the Assistant Commissioners in charge or the Sub

1918-19.

From

The Deputy Commissioner,

Tumkur District, T u m k u r.

To

The Chief Secretary to Government
of H.H. the Maharaja of Mysore,
B a n g a l o r e.

Dated 30th November 1918.

Despatched

Received

General No. J. C. 1183
No.

Enclosure No.

Submits proposal re the prompt
punishment of the defaulters in
declaring the stock of food grains.

Sub Divisions and the Personal Assistant, be invested temporarily for a period of six months with summary powers.

I have the honour to be,

S i r,

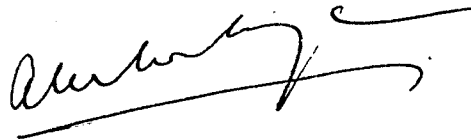
Your most obedient servant,

Sd/- A. SUBRAMANYA IYER,

DEPUTY COMMISSIONER &
DISTRICT MAGISTRATE,
Tumkur District.

K&D
D.N.

" C O P Y " .



DEPUTY COMMISSIONER,
Tumkur District.

D.O.No.

General and Revenue Secretariat.

Bangalore, dated the 6th December 1918

Dear Sir,

With reference to your letter No. J.C. 183, dated the 30th November 1918, suggesting that the maximum punishment prescribed in para 2 of Notification G. 9336/C.P. 134-18-20, dated the 23rd November 1918 may be reduced from 3 years to six months so that the offenders referred to in it may be tried summarily, I am desired to state that Government consider that it is not desirable to adopt such a procedure in the trial of such cases. These prosecutions are likely to evoke considerable public interest and have to be conducted with care.

Yours sincerely,

(Sd.) C.D. RAJESUNGARAO Iyer,

To

A. Subramanya Iyer, Esq., B.A.,

Deputy Commissioner, Tumkur District.

Memo No.

Dated Bangalore, the 6th December 1918

Copy of the above is forwarded with compliments to the Deputy Commissioners of other districts, The Rev Com^r & Ford Com^r

By Order,

for Chief Secretary to Government

THS/12.